



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-054

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Statutory Authority

The proposed rule meets the standard that is required to submit a petition under s. 227.26 (4), Stats., for expedited repeal of an unauthorized rule. For purposes of the expedited repeal process, an “unauthorized rule” is a rule for which an agency lacks the authority to promulgate the rule due to the repeal or amendment of the law that previously authorized its promulgation. In this case, 2013 Wisconsin Act 20, SECS. 204 and 1593, repealed ss. 20.115 (4) (s) and 93.60, 2011 Stats., which governed a grazing lands conservation program. The proposed rule removes the corollary administrative rule provision.

2. Form, Style and Placement in Administrative Code

The rule summary’s listing of statutory authority should be revised to cite the specific statutory provision that granted rulemaking authority for the original rule, s. 93.07 (18) (b) 6. and 7., Stats. The citation to s. 227.26 (4), Stats., should be removed, as that provision establishes the expedited rulemaking process and does not remove or confer rulemaking authority for the subject matter addressed in the proposed rule. [s. 1.02 (2m) (a), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

In the rule summary’s explanation of agency authority, the department states that 2013 Wisconsin Act 20 repealed s. 201.115 (4) (d), Stats. The correct statutory reference is s. 20.115 (4) (s), Stats.